

**Administrative Rules
DRAFT JOBS IMPACT STATEMENT**

1. BACKGROUND INFORMATION

Agency:	Environmental Protection Commission / Department of Natural Resources (Department)
IAC Citation:	567 IAC Chapter 30
Agency Contact:	Christine Paulson (515) 725-9510
Statutory Authority:	Iowa Code section 455B.133
Objective:	The rule changes will clarify the provisions for fees associated with asbestos demolition and renovation projects to match Iowa Code.
Summary:	<p>Iowa Code section 455B.133C(7)(a) states, “The <i>asbestos</i> account shall include all fees established by the commission to be imposed and collected by the department for accepting notifications involving demolition or renovation projects under the <i>asbestos</i> national emission standard for hazardous air pollutants program pursuant to 567 IAC ch.23.”</p> <p>Currently, subrule 30.3(1) states that “the owner or operator of a site subject to the national emissions standard for hazardous air pollutants (NESHAP) for asbestos notifications, adopted by reference in 567 paragraph 23.1(2)“a,” shall submit a fee with each original and each annual notification for each demolition or renovation, including abatement.” However, subrule 30.3(2)”a”, which is part of a list stating when fees are not required, appears to conflict with subrule 30.3(1), by excluding all demolition and renovation projects when certain thresholds have not been met.</p> <p>The exception described in subrule 30.3(2)”a”, is meant to apply only to asbestos NESHAP renovation projects, and not to asbestos NESHAP demolition projects. The asbestos NESHAP requires notification of all demolition projects, regardless of whether or not asbestos is present.</p> <p>The Department is proposing to rescind paragraph “a” so that owners and operators are not confused about whether a fee is required, and so that rule 567-30.3(455B) is consistent with the Iowa Code.</p>

2. JOB IMPACT ANALYSIS

<input type="checkbox"/> Fill in this box if impact meets these criteria:
<input type="checkbox"/> No Job Impact on private sector jobs and employment opportunities in the State.
<input type="checkbox"/> Job Impact cannot be determined.

<p><u> x </u> Fill in this box if impact meets either of these criteria:</p>
<p><u> X </u> Positive Job Impact on private sector jobs and employment opportunities in the State. <u> </u> Negative Job Impact on private sector jobs and employment opportunities in the State.</p> <p><i>Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities:</i></p> <p>After analysis and review, the Department has determined that the proposed changes will have a positive impact on private sector jobs. The Department is currently collecting fees for all demolition notifications regulated under the asbestos NESHAP, as allowed under Iowa Code section 455B.133C(7)(a). The rule change will remove a potentially misleading provision that may lead owners and operators to believe that fees are not required for certain demolition notifications. The rule change will make the rules for asbestos notification fees consistent with Iowa Code, thereby eliminating potential confusion for affected stakeholders.</p>
<p><i>Categories of jobs and employment opportunities that are affected by the proposed rule:</i> These rule changes will positively affect companies in the business of asbestos abatement, building demolition, and consulting.</p>
<p><i>Number of jobs or potential job opportunities:</i> Cannot be determined at this time.</p>
<p><i>Regions of the state affected:</i> All regions of the state.</p>
<p><i>Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write "Not Possible to Determine.")</i> No additional costs to the employer.</p>

3. COST-BENEFIT ANALYSIS

The Agency has taken steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. See the following Cost-Benefit Analysis:

<p>No other less intrusive or inexpensive method exists for achieving the purpose of the proposed rules.</p>
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Draft Administrative Rule Fiscal Impact Statement

Date: November 16, 2016

Agency: Environmental Protection Commission / Department of Natural Resources
(Department)

IAC Citation: 567 IAC Chapter 30

Agency Contact: Christine Paulson

Summary of the Rule:

The rule changes will clarify the provisions for fees associated with asbestos demolition and renovation projects to match Iowa Code.

Iowa Code section 455B.133C(7)(a) states, “The *asbestos* account shall include all fees established by the commission to be imposed and collected by the department for accepting notifications involving demolition or renovation projects under the *asbestos* national emission standard for hazardous air pollutants program pursuant to 567 IAC ch.23.”

Currently, subrule 30.3(1) states that “the owner or operator of a site subject to the national emissions standard for hazardous air pollutants (NESHAP) for asbestos notifications, adopted by reference in 567 paragraph 23.1(2)“a,” shall submit a fee with each original and each annual notification for each demolition or renovation, including abatement.” However, subrule 30.3(2)“a”, which is part of a list stating when fees are **not** required, appears to conflict with subrule 30.3(1), by excluding all demolition and renovation projects when certain thresholds have not been met.

The exception described in subrule 30.3(2)“a”, is meant to apply only to asbestos NESHAP renovation projects, and not to asbestos NESHAP demolition projects. The asbestos NESHAP requires notification of **all** demolition projects, regardless of whether or not asbestos is present.

The Department is proposing to rescind paragraph “a” so that owners and operators are not confused about whether a fee is required, and so that rule 567-30.3(455B) is consistent with the Iowa Code.

Fill in this box if the impact meets these criteria:

- ☒ No Fiscal Impact to the State.
☐ Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.
☐ Fiscal Impact cannot be determined.

Brief Explanation:

The Department will use existing budget and resources to implement the rule.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2015)</u>	<u>Year 2 (FY 2016)</u>
Revenue by Each Source:		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify)	\$0	\$0
	<hr/>	<hr/>
	\$0	\$0
<i>TOTAL REVENUE</i>		
Expenditures:		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify)	\$0	\$0
	<hr/>	<hr/>
	\$0	\$0
<i>TOTAL EXPENDITURES</i>		
	\$0	\$0
<i>NET IMPACT</i>		

 X This rule is required by State law or Federal mandate.

Please identify the state or federal law:

Iowa Code 455B.133C(7)

 Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

 X Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

The Department will utilize existing resources at this time.

Fiscal impact to persons affected by the rule:

The Department has determined that the proposed rule changes will have positive fiscal impacts to persons affected by the rule.

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):

Municipalities or counties may be involved in building renovations and demolitions for building they own or manage. If so, the impacts of the proposed rule changes would be the same as identified above for private asbestos removal contractors or demolition contractors.

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ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 30 “Fees” of 567 Iowa Administrative Code.

The proposed amendment will clarify the provisions for fees associated with asbestos demolition and renovation projects to match Iowa Code.

Iowa Code section 455B.133C(7)(a) states, “The *asbestos* account shall include all fees established by the commission to be imposed and collected by the department for accepting notifications involving demolition or renovation projects under the *asbestos* national emission standard for hazardous air pollutants program pursuant to 567 IAC ch.23.”

Currently, subrule 30.3(1) states that “the owner or operator of a site subject to the national emissions standard for hazardous air pollutants (NESHAP) for asbestos notifications, adopted by reference in 567 paragraph 23.1(2)“a,” shall submit a fee with each original and each annual notification for each demolition or renovation, including abatement.” However, subrule 30.3(2)“a”, which is part of a list stating when fees are **not** required, appears to conflict with subrule 30.3(1), by excluding all demolition and renovation projects when certain thresholds have not been met.

The exception described in subrule 30.3(2)“a”, is meant to apply only to asbestos NESHAP renovation projects, and not to asbestos NESHAP demolition projects. The asbestos NESHAP requires notification of all demolition projects, regardless of whether or not asbestos is present.

The proposed amendment will rescind paragraph “a” so that owners and operators are not confused about whether a fee is required, and so that rule 30.3(455B) is consistent with the Iowa Code.

Anyone may make written suggestions or comments on the proposed rule changes on or before DATE TBD. Please direct written comments to Christine Paulson, Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa, 50324, fax (515) 725-9501, or by E-mail to christine.paulson@dnr.iowa.gov.

A public hearing will be held on DATE TBD at 1:00 p.m. in the conference rooms at the Department’s Air Quality Bureau office located at 7900 Hickman Road, Windsor Heights, Iowa. All comments must be received no later than 4:30 p.m. on DATE TBD.

Any person who intends to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact Christine Paulson at (515) 725-9510, or by E-mail at christine.paulson@dnr.iowa.gov to advise of any specific needs.

Jobs Impact Statement

After analysis and review, the Commission has determined the proposed amendments will have a positive impact on private sector jobs. The Department of Natural Resources is currently collecting fees for all demolition notifications regulated under the asbestos NESHAP, as allowed under Iowa Code section 455B.133C(7)(a). The rule change will remove a potentially misleading provision that may lead owners and operators to believe that fees are not required for certain demolition notifications. The rule change will make the rules for asbestos notification fees consistent with Iowa Code, thereby eliminating potential confusion for affected stakeholders.

This amendment is intended to implement Iowa Code section 455B.133.

The following amendment is proposed.

Amend subrule 30.3(2) to rescind and reserve paragraph “a,” as follows:

30.3(2) *Fee not required.* A fee shall not be required for the following:

~~a. Notifications when the total amount of asbestos to be removed or disturbed is less than 260 linear feet, less than 160 square feet, and less than 35 cubic feet of facility components and is below the reporting thresholds as defined in 40 CFR 61.145 as amended on January 16, 1994~~ Reserved;

b. Notifications of training fires as required in 567—paragraph 23.2(3) “g”;

c. Controlled burning of demolished buildings as required in 567—paragraph 23.2(3) “j”;

d. Revised, canceled, and courtesy notifications. A revision to a previously submitted courtesy notification due to applicability of the notification requirements in 567—paragraph 23.1(3) “a” is considered an original notification and is subject to the fee requirements of subrule 30.3(1).

Date

Chuck Gipp, Director